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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	Case No: 2:17-cv-02303-MMD-PAL
)	
Plaintiff,)	
)	
v.)	REPLY TO NEVADA LINKS'S
)	OPPOSITION TO PLAINTIFF'S
COUNTY OF CLARK and)	REQUEST FOR JUDICIAL NOTICE
NEVADA LINKS, INC.,)	
)	
Defendants.)	

Nevada Links concedes that the Court may take judicial notice of the County's video record to "demonstrate the fact that the public hearing took place." Opposition to Plaintiff's Request for Judicial Notice, at 2 (ECF 32) (emphasis in original). But Nevada Links then argues without any authority that the Court may not take judicial notice of statements made by its principal, Bill Walters, to the Clark County commissioners at that hearing because they are

1 “subject to reasonable dispute.” *Id.* at 1. Yet the fact that Mr. Walters made the statements
 2 noted in the United States’ opposition brief is not subject to reasonable dispute or, for that
 3 matter, disputed by Nevada Links. And whether Mr. Walters spoke the truth is not the reason
 4 the United States asked the Court to take notice. Instead, Mr. Walters’s statements support the
 5 complaint’s allegations by showing that Nevada Links:

- 6 • knew the rent under the Fourth Amendment to the Lease was far below fair market
 7 value;
- 8 • participated with the County in drafting the Fourth Amendment; and
- 9 • knew and accepted that the United States’ approval of the Fourth Amendment was
 10 required.

11 *See* Plaintiff’s Opposition to Motion Dismiss, at 11-13 (ECF 25).

12 By contrast, in support of its motion, Nevada Links requested judicial notice of the
 13 County’s Request for Proposal (RFP) to build a golf course *solely* “because it illustrates the
 14 nature of Nevada Links’ relationship with the County of Clark and the lack of a relationship to
 15 the Plaintiff United States.” Nevada Links Request for Judicial Notice, at 1-2 (ECF 16). But
 16 in its reply brief Nevada Links cites the RFP for the proposition that “[t]he bid made by
 17 Nevada Links was accepted by the County following that competitive bidding process.”
 18 Defendant Nevada Links, Inc.’s Reply in Support of Motion to Dismiss, at 4 (ECF 31). Thus
 19 Nevada Links improperly asks the Court to take notice of an alleged “bid” and allegedly
 20 “competitive bidding process” based on a County document created *before* those alleged
 21 events occurred, but objects to the Court taking notice of statements preserved in the County’s
 22 video record and accurately quoted by the United States in opposing Nevada Links’s motion
 23 to dismiss.¹

24 In short, the Court should grant the United States’ request for judicial notice of the
 25 statements made by Bill Walters on behalf of Nevada Links because the statements are
 26 contained in a public record and undisputed.

27
 28 ¹ Also, this assertion is irrelevant because the alleged competitive bidding occurred 12 years
 before the Fourth Amendment.

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7 /s/ John R. Kresse

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CERTIFICATE OF SERVICE

In compliance with the Court's Local Rule 5-1, the undersigned certifies that on December 20, 2017, a copy of the foregoing document, "Reply to Nevada Links's Opposition to Plaintiff's Request for Judicial Notice," was served (via the Court's CM/ECF system) upon counsel of record for defendants.

s/ John R. Kresse
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